

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

ANGELIA C. BURTON-HYPES Petitioner,)	
)	Civil Action No. 7:22cv00716
)	
v.)	<u>OPINION and ORDER</u>
)	
WARDEN KIM HAUG,)	By: Michael F. Urbanski
Respondent.)	Chief United States District Judge

Angelia Christina Burton-Hypes, a Virginia inmate proceeding pro se, forwarded a letter to the court in December 2022, which the court construed as a petition for habeas corpus pursuant to 28 U.S.C. § 2254. Because the letter did not provide all information required for a proper § 2254 petition and attempted to misjoin medical negligence claims with habeas claims, the court conditionally filed the action, provided a § 2254 claim form to Burton-Hypes, and directed petitioner to complete the form within 21 days, among other actions. Burton-Hypes filed the § 2254 petition on January 20, 2023, along with a cover letter asking that the matter be dismissed without prejudice if she had completed the paperwork improperly.

Upon reviewing the § 2254 petition filed on January 20, 2023, the court noted several deficiencies, including that the petitioner failed to assert any grounds for relief from custody and challenged a conviction from Pulaski County Circuit Court and proceedings in Wythe County Circuit Court that were still pending. As requested in Burton-Hypes' letter, on February 17, 2023, the court dismissed her habeas claim without prejudice, preserving her rights to file appropriate petitions in those cases.

On March 6, 2023, the court received a “Motion to Reverse Case Docket on Kim Haug at NRVJR for 1983 Claim,” with a copy of the February 17, 2023, dismissal order attached. The court construes this letter as a motion for reconsideration of the dismissal order. The only claims dismissed on February 17, 2023, were habeas corpus claims. Habeas corpus claims and 1983 claims are separate causes of action that must be pled and litigated separately. Indeed, Burton-Hypes already has a pending § 1983 claim, Burton-Hypes v. Hamilton et al., No. 7:22cv00513. That case remains active on the court’s docket at this time. Because this court’s prior order in this habeas case had no effect on the § 1983 case, Burton-Hypes’ motion for reconsideration must be denied. The habeas case has been dismissed without prejudice, and Burton-Hypes is free to file another habeas case to challenge the lawfulness of her detention (or other cases, as convictions from separate courts must be pursued separately), within the time limits set by law. Burton-Hypes has presented no legal authority that would authorize the court to reconsider its earlier decision on the grounds stated.

For the reasons stated, the motion for reconsideration (ECF No. 19) is **DENIED**. The Clerk is directed to send copies of this opinion and order to Ms. Burton-Hypes.

It is so **ORDERED**.

Entered: April 11, 2023



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F. Urbanski Chief U.S.
District Judge
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Michael F. Urbanski
Chief United States District Judge